

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	
	)	
<b>v.</b>	)	<b>CASE No.: 1:21cr00005</b>
	)	
<b>JAAP WILLEM LIJBERS</b>	)	

**SENTENCING MEMORANDUM IN FAVOR OF  
A SENTENCE OF TIME SERVED**

Jaap Willem Lijbers is before this Court for sentencing on one count of possession of a firearm by an alien unlawfully in the United States, for which he plead guilty on April 8, 2021. He entered into a plea agreement on April 1, 2021. Mr. Lijbers has been in custody since March 2, 2021 and he requests a sentence of time served.

Jaap, age 27, was born in Apeldoorn, the Netherlands, and is the youngest of three children born to Willem and Anita Lijbers. Jaap reports being raised in a stable home environment. (PSR ¶22, ECF dkt No. 4) Prior to retirement, his father Willem was “co-owner of a successful construction company,” and his mother Anita is a retired teacher. Jaap’s brother Gijs works for a transportation company and sister Laura is a music teacher. All his family live in the Netherlands. (Letter in Support from Willem and Anita Lijbers (Exh 2)

His sister Laura recalls that as a child, Jaap “practiced judo as a sport and during family holidays he would always be the one to entertain us and play games.” She also says that “Jaap is a very persistent, creative and adventurous young man.”

During their teen years, Laura noticed Jaap was “struggling in school, intellectually as well as personally. In my opinion, these hardships made him vulnerable...” He wanted to hang out with “(the wrong kind of) groups.” (Letter in Support from Laura Lijbers (Exh 2)

While still living in the Netherlands, Jaap met Britnee Keen online who was living in the Richlands, Virginia area at the time, and they became romantically involved. In May 2014, he arrived in the United States on a tourist visa and began living in Tazewell County. Jaap’s mother Anita explains, “After graduation, Jaap travelled to the US, with the intention of exploring this unknown, great country and returning after 3 months. But then he fell head over heels in love with an American girl. Their relationship became more and more serious, and Jaap decided to stay longer in the US.” (Willem and Anita Lijbers Letter in Support (Exh 2)

Britnee Keen adds, “He came here legally but overstayed because I became pregnant with our daughter....Unfortunately he only had a 3 month visa and once he overstayed it was too late to do things differently.” (Letter in Support-Britnee Keen) (Exh 2)

It was a conversation that Jaap and his mother have had many times over the last seven years. “Jaap made the enormous mistake of not applying for residency when he had the chance...Later on we often spoke of his wish to apply for

legal residency in the U.S., but he never ended up doing so out of fear of being deported away from his daughter,” who Anita refers to as the “true love of Jaap’s life.” (Letter in Support-Willem and Anita Lijbers) (Exh 2)

Although Jaap and Britnee are no longer in a relationship, Britnee says, “I have the pleasure of co-parenting with Jaap and he is a wonderful father to our daughter A.L. and even my 10 year old R.K. Jaap has been a father figure in my daughter R.K.’s life since she was 3. He still calls the girls every single day just to remind them he loves them...” (Letter in Support-Britnee Keen) (Exh 2)

Keeping in touch with his daughter daily is one of the goals Jaap has set for himself. (Jaap Lijbers Allocutions) (Exh 3) In her letter of support, six-year-old A.L. simply wrote, “I love and miss my dad.” (Letter in Support-daughter) (Exh 2)

In 2019, Jaap’s parents came to the United States to visit him in Richlands, Virginia. What they saw first-hand was a “hard-working young man who took very good care of his daughter. Jaap is a proud, loving and caring parent. A.L. means everything to him.” Jaap’s sister Laura also says that “Jaap has proven to be a very loving and dedicated father to his daughter... He always helped her with her homework or anything she needed when he was around and Britnee (A.L.’s mother) couldn’t. The pictures that he sends to us show a very happy, responsible, and loving dad.” (Letter in Support-Laura Lijbers) (Exh 2)

Jaap is known in the Richlands community for his readiness to help others and feels this is his best attribute. “I try to be a helping hand, emotional support and friend to anyone in need. My friends, children and family can always come to me for

help or support with anything.” (Jaap Lijbers Allocutions) (Exh 3)

“In 2019,” his sister says, “there were floods and Jaap volunteered in the community to clean up the mess. He would do mowing for neighbors or any other kind of thing to serve the community, as well as his own family.” (Letter in Support-Laura Lijbers) (Exh 2)

Kortnee Byrd was involved in an accident in July 2019 and was a recipient of Jaap’s kindness. She describes him as a “kind, sweet soul” and a “neighborhood friend that I met while cleaning up at a local park in our town...He was always there to offer a hand when in need...” Jaap “was generally concerned about my health. And just as with me, he is incredibly devoted to those he holds dear to his heart. That goes without saying, especially his daughter.” (Letter in Support-Kortnee Byrd) (Exh 2)

Matthew Dunkley said that Jaap “has really been there for me especially when I got sick and (was) no longer able to work. He made a point to be there and keep my mind as (ease).” (Letter in Support-Matthew Dunkley) (Exh 2)

When Jaap’s parents learned of his arrest on a gun possession charge, it “triggered many emotions: shock, disappointment, sadness and so so much anger. It’s incomprehensible to us...Even more so as Dutch people carrying such a weapon is truly unimaginable. It is strictly forbidden in the Netherlands, and he was certainly not raised that way!” (Letter in Support-Willem and Anita Lijbers) (Exh 2)

Jaap has accepted responsibility for the conduct that led to the criminal charge. In the Initial Pre-Sentence Report, he provided a written statement, acknowledging, “I am guilty of possessing a firearm while remaining in the United

States after overstaying my tourist visa. I regret the harm that I caused my family in the United States and the Netherlands, especially my young daughters. I apologize for my actions and I accept responsibility for criminal conduct.” (PSR ¶22, Docket # 34)

Jaap understands the far-reaching effects of his actions, and that there is “a huge path ahead of me of getting my life back together and re-unite my family.” To his daughter, he would say, “Daddy messed up. I can never apologize enough. I will never cease being a father...” Being deported and away from his daughter is a major deterrent against him committing other crimes in the future. “I will never, ever do anything that risks even the slightest of me being taken away from my family again.” Jaap will “never be able to apologize to my children enough for not being in their lives for any period of time.” (Jaap Lijbers Allocution) (Exh 3)

He also recognizes the importance now of doing things the right way. “I’ve learned that I have to do things the right, legal way the first time. When I first entered the U.S. I was merely 20 years old and had very short-term goals. Now I am getting close to 28 years old and have become a father in the country and have learned the hard way that I have to get things right the first time and be more future and long-term goal orientated. I try to become the best example possible to my daughter.” (Jaap Lijbers Allocution) (Exh 3)

Jaap’s family is already making plans for his return to the Netherlands following his deportation from the U.S. “...he is welcome to live with us, where he will be expected to behave well and work hard...” His parents have “been in contact with the local police and the municipality of Apeldoorn, and they are willing to

support us and Jaap with his return, including looking for work.” (Letter in Support-Willem and Anita Lijbers) (Exh 2)

His sister Laura agrees that “in the Netherlands there will be a lot of possibilities to support Jaap...In here there are various ways in which Jaap can be assisted with housing, employment-seeking and his mental wellbeing.” (Letter in Support-Laura Lijbers) (Exh 2)

Another reason his family is anxiously awaiting Jaap’s return home is that his father has cancer that has spread and will be undergoing more treatment. “This has come as a gigantic shock and has proven very difficult to cope with for us...On top of the concerns for Willem’s health, we are very worried about Jaap. We have not been able to visit him due to travel restrictions and therefore cannot support him the way we want to. The uncertainty for the future for both Jaap and his daughter...weighs heavily on us, causing all of us countless sleepless nights. Having Jaap home won’t cure Willem’s cancer, but it will lessen the burden and stress allowing us to focus on Willem’s recovery.” (Letter in Support-Willem and Anita Lijbers) (Exh 2)

Upon the completion of his sentence, Jaap Lijbers will be deported to the Netherlands by U.S. Immigration and Customs Enforcement. Mr. Lijbers has been in custody for over 5 months. Given his lack of criminal history and his father’s medical condition, his return to the Netherlands should occur as quickly as possible.

Therefore, a sentence of time served is requested.

Respectfully Submitted,

Jaap Willem Lijbers  
By Counsel

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Sentencing Memorandum was electronically filed and will be forwarded to the United States Attorney's Office, this 12<sup>th</sup> day of August 2021.

*s/Nancy Dickenson-Vicars*